

Senate Bill 396

By: Senators Goggans of the 7th, Johnson of the 1st, Williams of the 19th, Whitehead of the 24th, Unterman of the 45th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to justification and excuse as a defense to certain crimes, so as to provide that a  
3 person who is attacked has no duty to retreat; to provide that such person has a right to meet  
4 force with force, including deadly force; to provide for an immunity from prosecution; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to  
9 justification and excuse as a defense to certain crimes, is amended by inserting immediately  
10 following Code Section 16-3-23 a new Code section to read as follows:

11 "16-3-23.1.

12 A person who is not engaged in an unlawful activity and who is attacked in any place  
13 where he or she has a right to be has no duty to retreat and has the right to stand his or her  
14 ground and meet force with force, including deadly force if he or she reasonably believes  
15 it is necessary to do so to prevent death or great bodily harm to himself or herself or to  
16 another."

17 **SECTION 2.**

18 Said article is further amended by striking in its entirety Code Section 16-3-24.2, relating to  
19 immunity from prosecution and exception, and inserting in lieu thereof the following:

20 "16-3-24.2.

21 A person who uses threats or force in accordance with Code Section 16-3-23, 16-3-23.1,  
22 or 16-3-24 shall be immune from criminal prosecution therefor unless any deadly force,  
23 used by such person utilizes a weapon the carrying or possession of which is unlawful by  
24 such person under Part 2 or 3 of Article 4 of Chapter 11 of this title."

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**SECTION 3.**

2 All laws and parts of laws in conflict with this Act are repealed.